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MAR 26 2004

**FAX TRANSMISSION****OFFICIAL****DATE:** March 26, 2004**PTO IDENTIFIER:** Application Number 10/040281-Conf. #9658  
Patent Number**Inventor:** Jeffrey L. BROWNING et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras

**PHONE:** (617) 227-7400**Attorney Dkt. #:** BGNB129CP2DV2CN**Please return confirmation to** Cristin Howley**PAGES (Including Cover Sheet):** 13**CONTENTS:** Response and Amendment (7 pages);  
Transmittal (1 pages);  
Fee Transmittal (1 page, in duplicate);  
Request for Extension of Time (1 page); and  
Certificate of Transmission Under 37 CFR 1.8

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**LAHIVE & COCKFIELD, LLP**

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**Telephone:** (617) 227-7400 **Facsimile:** (617) 742-4214

PTO/SB/97 (12-97)

Approved for use through 9/30/00 OMB 0651-0031

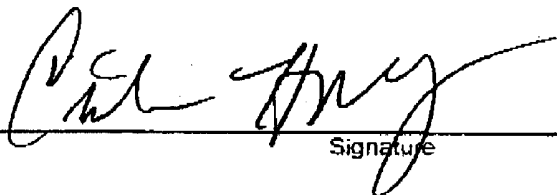
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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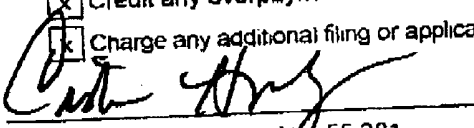
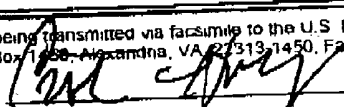
on March 26, 2004  
Date

  
Signature

Cristin E. Howley  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response and Amendment (7 pages);  
Transmittal (1 pages);  
Fee Transmittal (1 page, in duplicate); and  
Request for Extension of Time (1 page)

AMENDMENT TRANSMITTAL LETTER				Docket No. BGNB129CP2DV2CN	
Application No. 10/040281-Conf. #9658		Filing Date November 7, 2001		Examiner S. McGarry	
				Art Unit 1635	
Applicant(s) Jeffrey L. BROWNING et al.					
Invention. Lymphotoxin-B, Lymphotoxin-B Complexes, Pharmaceutical Preparations And Therapeutic Uses Thereof					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	12	- 28 =		x	0.00
Independent Claims	9	- 9 =	0	x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Extension for response within fifth month					2,010.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					2,010.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input type="checkbox"/> No additional fee is required for this amendment					
<input checked="" type="checkbox"/> Please charge Deposit Account No. <u>12-0080</u> in the amount of \$ <u>2,010.00</u>					
A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No <u>12-0080</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17					
 Cristin E. Howley, Reg No 55,281 For Amy E. Mandragouras, Reg No 36,207  LAHIVE & COCKFIELD, LLP 28 State Street Boston, Massachusetts 02109 (617) 227-7400				Dated: <u>March 26, 2004</u>	
I hereby certify the enclosed documents referred are being transmitted via facsimile to the U.S. Patent and Trademark Office, and addressed to Commissioner for Patents, Post Office Box 1508, Alexandria, VA 22313-1450. Facsimile No (703) 872-9306, on the date shown below Dated March 26, 2004					
Signature: 				(Cristin E. Howley)	

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PTO/SB/17 (10-03)  
 Approved for use through 7/31/2006 OMB 3511-0032  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004		Complete if Known																																																																																																																					
Effective 10/01/2003, Patent fees are subject to annual revision		Application Number	10/040281-Conf. #9858																																																																																																																				
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	November 7, 2001																																																																																																																				
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<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment or fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>2053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for a parts reexamination</td><td></td></tr> <tr><td>1804 920</td><td>1804 920</td><td>Requesting publication or SIF prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840</td><td>1805 1,840</td><td>Requesting publication or SIF after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252 420</td><td>2252 210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 950</td><td>2253 475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254 1,480</td><td>2254 740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1258 2,010</td><td>2255 1,005</td><td>Extension for reply within fifth month</td><td>2,010.00</td></tr> <tr><td>1401 330</td><td>2401 165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 330</td><td>2402 165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 290</td><td>2403 145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>2451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,330</td><td>2453 665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,330</td><td>2501 665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 480</td><td>2502 240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 640</td><td>2503 320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(g)</td><td></td></tr> <tr><td>1808 180</td><td>1808 180</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809 770</td><td>2809 385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810 770</td><td>2810 385</td><td>For each additional invention to be examined (37 CFR 1.128(b))</td><td></td></tr> <tr><td>1801 770</td><td>2801 385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	2053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for a parts reexamination		1804 920	1804 920	Requesting publication or SIF prior to Examiner action		1805 1,840	1805 1,840	Requesting publication or SIF after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 420	2252 210	Extension for reply within second month		1253 950	2253 475	Extension for reply within third month		1254 1,480	2254 740	Extension for reply within fourth month		1258 2,010	2255 1,005	Extension for reply within fifth month	2,010.00	1401 330	2401 165	Notice of Appeal		1402 330	2402 165	Filing a brief in support of an appeal		1403 290	2403 145	Request for oral hearing		1451 1,510	2451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,330	2453 665	Petition to revive - unintentional		1501 1,330	2501 665	Utility issue fee (or reissue)		1502 480	2502 240	Design issue fee		1503 640	2503 320	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17(g)		1808 180	1808 180	Submission of Information Disclosure Sheet		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))		1810 770	2810 385	For each additional invention to be examined (37 CFR 1.128(b))		1801 770	2801 385	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application	
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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201 86</td><td>2201 43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203 290</td><td>2203 145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204 86</td><td>2204 43</td><td>Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205 18</td><td>2205 9</td><td>Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20		1201 86	2201 43	Independent claims in excess of 3		1203 290	2203 145	Multiple dependent claim, if not paid		1204 86	2204 43	Reissue independent claims over original patent		1205 18	2205 9	Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$) 0.00																																																																																													
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Name (Print/Type) for Crstin E. Howley Amy E. Mandragouras Signature: <i>[Signature]</i>		(Complete if applicable) Registration No (Attorney/Agent) 55,281 for 36,207 Telephone (617) 227-7400 Date March 26, 2004																																																																																																																					
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 26 2004

In re the application of: Jeffrey L. Browning *et al.*

Serial No.: 10/040,281

Filed: November 7, 2001

For: *Lymphotoxin-Beta, Lymphotoxin-Beta  
Complexes, Pharmaceutical Preparations and  
Therapeutic Uses Thereof*

Attorney Docket No.: BGNB129CP2D2CN

Group Art Unit: 1635

Examiner: S. R. McGarry

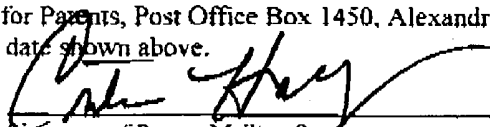
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Date of Deposit: March 26, 2004

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Cristin E. Howley  
Name of Person Mailing Paper  
Signature of Person Mailing PaperAMENDMENT AND RESPONSE

Dear Sir:

This is in response to an Office Action dated September 26, 2003. A separate petition for the appropriate extension of time in which to respond is being filed concurrently herewith.

Amendments to claims begin at page 2 of this Amendment and Response, and Remarks begin at page 6.

Prior to examination, please amend the above-referenced application as follows: